

REMARKS

Reconsideration of the application is respectfully requested.

The present specification explains that food products prepared with soy protein isolate as sole protein source are very thick and give a non-dairy yogurt characteristic dry mouthfeel. The specification also mentions that use of hydrolyzed soy protein isolate results in products having no yogurt texture. Although the texture/firmness of these products may be improved by addition of thickeners, addition of thickeners still does not create a dairy-like yogurt texture.

In the present invention a food product is fermented with one or more lactic acid bacteria and comprises soy protein and hydrolyzed soy protein. The food product is obtained by fermenting a starting material which includes a mixture of non-hydrolyzed soy protein and hydrolyzed soy protein wherein the mixture includes 40-95 wt% of hydrolyzed soy protein relative to the total amount of soy protein.

The Drake et al. reference is directed to a dairy based yogurt to which soy protein has been added and fermented. Although Drake et al. indicate that in their study dairy yogurts fortified with soy protein exhibited higher viscosities than controlled dairy yogurts, the yogurts were formulated with equivalent percent solids but the yogurts with added soy protein concentrate had higher protein due to soy protein concentrate composition. The Drake et al. authors indicated that the increase in protein probably accounted for increased viscosity in yogurts with soy protein. It is not apparent why one of ordinary skill having the Drake reference in front of him or her would feel the need to add soy hydrolysate to change the viscosity of the product since it is indicated that the viscosity results from increased protein concentration. Nor does the Office point to any

teaching in Drake et al. or the other two references that addition of hydrolysate would improve the viscosity.

On page 3 of the present published application, the specification explains that when only non-hydrolyzed soy protein isolate is used, too thick products are prepared which have a less preferable taste. When only hydrolyzed soy protein isolate is used, the specification explains in paragraph 0045, no spoonable yogurt mixture may be obtained. In contrast, the yogurts of Examples 1-4 are said in paragraph 0046 to have had a clean, fresh yogurt taste with little or no residual soy taste. The Office does not successfully explain why these results are expected.

In view of these unexpected results, it is respectfully requested that the application be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.
Registration No. 29,412
Attorney for Applicant(s)

GJM/mpk
(201) 894-2297